UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,681	01/24/2000	Branko Kovacevic	0100.9901420	6134

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EXAMINER
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DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jun 16, 2003*

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9 and 11-38* is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideratio

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9, 11-15, 19-29, and 33-38* is/are rejected.

7) ☒ Claim(s) *16-18 and 30-32* is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requiremen

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examine

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _7_

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

1.   This communication is in response to applicant's 06/16/2003 Amendment in the

application of Kovacevic et al. for a "Method for displaying data" filed 01/24/2000. The

proposed amendment and response have been entered and made of record. Claims 1-7,

11-14 and 16-19 have been amended, and claim 10 have been deleted per applicant's

request. New claims 21-38 have been added. Applicant's newly presented claims are

equivalent to the combination of the original claims and the amended claims, and will be

discussed below. Claims 1-9 and 11-38 are pending in the present application.

Remarks

2.   Applicant's amendment to the claims have been considered but are moot in view

of the new ground(s) of rejection, and will be examined as discussed below. Furthermore,

the rejections of record under 35 U.S.C. § 103 of claims are withdrawn in view of the

newly ground of rejections. Accordingly, This action is made Non-Final. Rejections

based on the newly ground follows:

Claim Objections

2.   The following claims are objected to because of the following informalities: .

Appropriate correction is required.

Claim 1:   in line 4, "determining the new packet identifier" should be

                replaced with --determining a new packet identifier--

Claim 5:   in line 2, "detecting the first splice indicator" should be deleted.

Claim 16:   in line 3, "requesting acquisition of a current program

                management " should be replaced with --requesting acquisition of

                the current program management table--

Claim 25:   in line 2, "detecting the first splice indicator" should be deleted.

Claim 30:   in line 2, "requesting acquisition of a current program

                management" should be replaced with --requesting acquisition of

                the current program management table--

Claims 31, 32: in line 1, "The method of claim 22" should be replaced with --The

                method of claim 30--

Claim 34:   in line 1, "The method of claim 25" should be replaced with --The

                method of claim 33--

Claim 35:   in line 1, "A system for displayed data" should be replaced with --

                A system for displaying data--

Claim 35:   in line 4, "determining the new packet identifier" should be

                replaced with --a means for determining a new packet identifier--

                In line 8, "detecting a second splice" should be replaced with --a

                means for detecting a Second splice--

                In line 10, "using the new packet identifier" should be replaced

                with --a means for using the new packet identifier--

Claims 36, 37:   in line 1, "The system of claim 27" should be replaced with --The

                      system of claim 35--

Claim 37:   in line 2, "including detecting the first splice indicator" should be

                      deleted.

Claim 38:   This claim is the same as claim 35, and it should be canceled.

Claim Rejections - 35 USC § 112

3.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 1, 21 and 35 are rejected under 35 U.S.C. 112, second paragraph, as

failing to set forth the subject matter which applicant(s) regard as their invention. The

claims are incomplete because the preamble disclose a *method and system for displaying

data,* but in the body of the claims does not claim anything that to be displayed. Rather,

it's a method for splicing video images.

5.   Claims 1, 21 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The using of "...*indicator*" is vague and indefinite

because it does not disclose the intend to use of the *new packet identifier.*

6.   Claims 1, 21 and 35 recites the limitation "first, second and third splice indicator".

However, there is lack antecedent basis for this limitation in the specification.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

8.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under 37

CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

9.   Claims 1-4, 6-9 and 21-24, 26-29 and 35-38 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Miyamoto (US#6,414,954) in view of Teichmer

(US#6,380,991).

In sofar as understood with respect to claims 1, 21, 35, 38, Miyamoto disclose a

transport demultiplexor hardware for demultiplexing an MPEG-2 compliant transport

stream in according to the essential features of claim 1; the method comprising the steps

of: determining a new packet identifier (PID) in response to the splice indicators. In other

words, when a splicing point is detected between group of packets, a new PID is

generated to replace the present PID value with the next PID value (Fig. 2; Col. 2, lines

41-55). Miyamoto also discloses in Fig. 2 a picture processing system in which The

register block 13 includes a present video PID register 15 for storing a present video PID

value, a next video PID register 18 for storing a next video PID value, a present audio

PID register 16 for storing a present audio PID value, and a next audio PID register 19 for

storing a next audio PID value. The host CPU 11 sets the next PID value in each of the

next PID registers 18 and 19, which loads the present PID registers 15 and 16,

respectively, with the next PIDs after the next PIDs become the present PIDs. The host

CPU 11 rewrites the next video PID value stored in the next video PID register 18 based

on the menu information in response to a video PID switch signal, by outputting a first

setting signal representing a following video PID value following the next video PID

value. The next video PID register 18 stores the first setting signal until it is loaded to the

present video PID register 15 (Col. 3; lines 20 plus).

Miyamoto does not expressly disclose the step of detecting a first splice indicator

and second splice indicator in MPEG-2 transport stream. However, Miyamoto teaches in

Fig. 2 a block diagram illustrated of a picture processing system, in which once a splicing

flag is detected at the TS header processor 17 (*detecting a first splice indicator*) an

interrupt signal is sent to host CPU 11. In response, host CPU 11 determines a new video

PID and loads it into the next PID Reg. 18 (*determining a new packet identifier PID*).

When the splice flag is agaion detected (*detecting a second splice indicator*), a signal is

sent to present Video PID Reg. 15 to load previously determined video PID from next

PID Reg. 18. Once loaded in present Video PID Reg. 15, video PID is used to extract

video stream from the Transport Stream (*using the new Packet Identifier in response to*

the second splice indicator) (Col. 3, lines 10 plus). In the same field of endeavor,

Teichmer discloses a method of splicing video in MPEG-2 transport streams comprising

the steps of identifying a first splice point at an anchor frame in a first video stream, and

identifying a second splice point at an anchor frame in a second video stream (Col. 1,

lines 33-40).

Regarding claims 2-4, 22-24 and 36-37, Miyamoto further teaches in Fig. 2

illustrated a block diagram of a picture processing system, includes loading the new PID

into a shadow register (next register) after the step of determining and before the step of

loading; and the step of using the new PID further comprises loading the contents of the

shadow register into a main register, or using the shadow register as the main register

(Col. 3, lines 19-34).

Regarding claims 6-7, and 26-27, Miyamoto further teaches the step of detecting

the splice indicators includes the sub step of generating the splice interrupts, and the step

of determining a new PID occurs in response to the splice interrupts (Col. 1, line 52 to

Col. 2, line 11).

Regarding claims 8-9 and 28-29, Teichmer further teaches a method for splicing MPEG-2 transport streams based upon locally available data, in which the first and second splice indicator represent different occurrences of a common event, wherein the common event is the assertion of a splice point (Col. 1, lines 37-46).

One skilled in the art would have recognized the need for effectively and efficiently splicing MPEG-2 transport streams using transport packet demultiplexer hardware, and would have applied Teichmer' teaching of the identifying splicing points in a video transport stream into Miyamoto's novel use of a picture processing for processing a transport stream. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Teichmer's method for splicing MPEG-2 transport streams into Miyamoto's picture processing system and method with the motivation being to provide a method for displaying data in an MPEG-2 video stream.

10.   Claims 5, 11-15, 19-20 and 25, 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto (US#6,414,954) in view of Teichmer (US#6,380,991) as applied to the claim 1 above, and further in view of Chen et al. (US#5,917,830).

With respect to claims 5 and 25, Miyamoto and Teichmer disclose a transport demultiplexor hardware for demultiplexing an MPEG-2 compliant transport stream as described in paragraph 5 above. Miyamoto and Teichmer do not disclose the step of detecting the splice indicator using an adaptation field parser portion of the transport packet demultiplexer hardware. In the same field of endeavor, Chen et al. discloses a

method for splicing a secondary packetized data stream with a primary packetized data

stream, in which the splice point data includes the splice-related adaptation field data

illustrated in Figs. 7a-d. (Col. 17, lines 26-40).

Regarding claims 11-15, Miyamoto teaches in Fig. 3 a block diagram of the TS

header processor shown in Fig. 2, in which the TS header analyzer 20 compares the PID

of each TS packet in the input transport stream TS with the present video/audio PID value

which is set based on the menu information in the transport stream input to the CPU 11

beforehand, and then outputs to the TS header stripper 21 a TS packet having a PID

which coincides with the video/audio PID value set in the respective present PID registers

15 and 16. The TS header analyzer 20 analyzes the count of the video/audio splice

count-down signal of the TS packet to be supplied to the TS header stripper 21, if the

present TS packet includes the video/audio splice count-down signal. The count of the

splice count-down signal indicates the status of the present TS packet: a count "0"

indicates that the present TS ok packet is the last one of a group of packets, a count "5"

indicates that the present TS packet is followed by other five TS packets in the same

group. In general, a negative value is also used for the count of the splice count-down

signal; however, the negative value is not utilized in the present embodiment (Col. 4,

lines 18 pius). Chen further teaches using the new PID in response to the second splice

indicator wherein the second splice state is based upon a second splice countdown value

parsed by the transport packet demultiplexer (Col. 22, lines 8 plus).

Regarding claims 19 and 33, Chen further teaches using the new PID in response

to the second splice indicator when the new PID is associated with a first program type

(Col. 22, lines 8-31).

Regarding claims 20 and 34, Chen teaches the splicing compressed packetized digital video stream wherein the first program type is mutually exclusive from a second program type, and the second program type is commercials (See the Abstract).

One skilled in the art would have recognized the need for effectively and efficiently splicing MPEG-2 transport streams using transport packet demultiplexer hardware, and would have applied Chen's detecting the splice indicator using n adaptation field parser, and Teichmer' teaching of the identifying splicing points in a video transport stream into Miyamoto's novel use of a picture processing for processing a transport stream. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Chen's splicing compressed packetized digital video streams, and Teichmer's method for splicing MPEG-2 transport streams into Miyamoto's picture processing system and method with the motivation being to provide a method for displaying data in an MPEG-2 video stream.

Allowable Subject Matter

11.   Claims 16-18 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12.   The following is an examiner's statement of reasons for the indication of

allowable subject matter: The prior art of record fails to disclose or suggest the step of

detecting a third splice indicator using transport packet demultiplexer hardware,

requesting acquisition of a current program management table in response to the third

splice indicator; requesting acquisition of a current program management when, in

response to detecting the third splice indicator, it is determined that a third splice state has

been countered, wherein the third splice state is based upon a third splice countdown

value parsed by the transport packet demultiplexer hardware, and includes the first splice

countdown value being a negative value, as specifically recited in claims 16-18 & 30-32.

13.   Any comments considered necessary by applicant must be submitted no later than

the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to M. Phan whose telephone number is (703)305-1029. The

examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the

organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

15.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314, (for formal communications intended for entry)
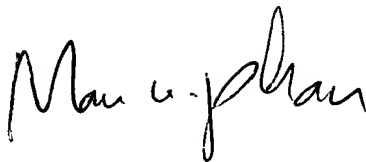
Or: (703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Mphan

10/08/2003.